

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Crl.RC.No. 5 of 2003()

AGAINST THE ORDER IN CRA.No.115/2003 OF JFCM-I, MANJERI
MC.205/1997 IN CRL.A.NO.148/99 OF JFCM-I, MANJERI
.....

PARTIES :

-
1. JUDICIAL FIRST CLASS MAGISTRATE-I,
MANJERI.
 2. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, MANJERI.
 3. CHAKKUNGALTHODIKA NANIKKANNU,
S/O.MOHAMMED, OOLLIE WORKER,
AMBALAKKADAVU, KALIKAVU, NILABUR TALUK.
 4. KUNNAMPALLI ABDUL KHADER, S/O.ALAI(LATEO
COOLIE, WORKER, AMBALAKKADAVU,
KALIKAVU, NILAMBUR TALUK.

BY ADV. SMT.K.V.RESHMI
SRI.C.M.KAMMAPPU
BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL RIVISION CASE HAVING BEEN FINALLY HEARD
ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.C.No.5 of 2003

Dated this the 10th day of September, 2007

O R D E R

Suo motu revision was taken as it was reported by the Sessions Judge that the respondents herein were the sureties to the accused who absconded in S.T.2379/96 in the file of Judicial First Class Magistrate Court-I, Manjeri and the proceedings were initiated against the appellants under Section 446 of CrI.P.C. and they filed CrI.A.No.115/2003 before the Sessions Court suppressing the fact that they had earlier filed CrI.A.No.148/99 which is dismissed by the Sessions Judge. When they filed CrI.A.No.115/2003, the penalty was reduced to fine.

2. In the circumstances, the decision in CrI.A.No.115/03 is herewith set aside. The decision in CrI.A.No.148/99 will prevail. They are granted three months' time to remit the amount of penalty.

The CrI.R.C. is disposed of accordingly.

**K.R.UDAYABHANU,
JUDGE**